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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,279	10/16/2000	Kenneth W. Aull	15-0218	2207
7590 08/30/2005 TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP 526 SUPERIOR AVENUE SUITE 1111 CLEVELAND, OH 44114-1400			EXAMINER HENEGHAN, MATTHEW E	
			ART UNIT 2134	PAPER NUMBER

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/690,279

Applicant(s)

AULL ET AL.

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-17 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-17 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. In response to the most recent office action, claim 17 has been amended, claims 7-9 and 18-20 have been cancelled, and claims 23-26 have been added. Claims 1-6, 10-17, and 21-26 have been examined.

#### ***Information Disclosure Statement***

2. The Information Disclosure Statement filed 22 February 2005 has been fully considered.

#### ***Specification***

3. The amendment filed 3 June 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In Applicant's amendment several references to a "role certificate" have been changed to a "pedigree certificate." One skilled in the art would not consider these two types to be the same kind of certificate.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 6, 10-13, 15-17, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,609,198 to Wood et al. in view of WIPO Patent Application No. 00/04673 to Binding et al. and further in view of U.S. Patent No. 6,134,593 to Alexander et al.

As per claims 1, 10, 12, and 21, the log-on service disclosed by Wood requires the user to supply a credential, such as a smart card containing a certificate that is associated with a trust level that is used for a single sign-on (registration). See abstract and column 4, line 66 to column 7, line 7. A session token (an individual signature certificate) is issued to the user that is commensurate with presented credentials. See column 3, lines 42-53.

Though the validity of certificates is dependent upon their original source, Wood does not disclose that the level of trust should be commensurate with (i.e. proportional to) the source.

Binding discloses a method for establishing trustworthiness levels wherein a smartcard is checked to see if the token (certificate) was produced by an entity with the

authority to assign trustworthiness levels (see p.6, line 11-23), and further suggests that that it is necessary for applications that demand high levels of security and secrecy to extend the sphere of trust to include the device itself (see p.2, lines 6-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Wood by checking to see if the token (certificate) was produced by an entity with the authority to assign trustworthiness levels, as disclosed by Binding, since it is necessary for applications that demand high levels of security and secrecy to extend the sphere of trust to include the device itself.

As per claims 2 and 13, the service may require the user to enter two fields, such as a name/password pair. See column 12, lines 52-67.

Regarding claims 3 and 14, though Wood provides for anyone of a number of repeated authentication methods, including additional name/password pairs, Wood does not disclose a method wherein a user transmits a piece of data provided to the user. See column 11, line 55 to column 12, line 38.

Alexander discloses a system wherein a password is created for a user for later use (see abstract), as this makes possible automated software unlocking (see column 9, line 25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Wood and Binding by creating a password for a user for later use, as disclosed by Alexander, as this makes possible automated software unlocking.

As per claims 4, 5, 15, and 16, additional credentials may be acquired by the user from a credential gathering service (a personal registration authority). See column 16, lines 18-56.

As per claims 6-9 and 17, the additional information acquired may be an additional name/password pair. See column 16, line 36.

As per claims 11 and 22, the user uses a browser to transact with the registration system. Browsers are used to view web pages (see column 5, lines 40-44).

### ***Allowable Subject Matter***

5. Claims 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: In Wood, as well as other relevant art, the certification authority signs certificates with a private key of the authority. No art could be found in which a certificate being generated by the authority was signed using a private key associated with a particular type of hardware pedigree.

### ***Response to Arguments***

7. In response to Applicant's assertion that, in the most recent action, the Examiner maintained a rejection of claims 1 and 12 without addressing the Applicant's arguments, it is noted that Applicant's arguments were found to be persuasive and the grounds of rejection were changed, and, as a result, a non-final action was issued. No further response to Applicant's arguments were necessary at that time. See Non-Final Rejection, mailed 7 March 2005, paragraph 7.

8. Regarding Applicant's argument that the cited references do not disclose the issuing of a certificate commensurate with the a pedigree certificate, it is noted that Wood in view of Binding, as described above, teach to this functionality.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH *m/h*  
August 17, 2005

  
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